



Town of Berwyn Heights

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MAYOR
Stephen D. Isler
COUNCIL MEMBERS
Jason W. Papanikolas (Mayor Pro Tem)
Amanda M. Dewey
Jeffrey Jay Osmond
Ethan D. Sweep

Town Meeting Minutes August 14, 2019

The meeting was called to order at 7:05 p.m. Present were Mayor Isler, Mayor Pro Tempore (MPT) Jason Papanikolas, Councilmembers (CMs) Amanda Dewey, Ethan Sweep and Jeffrey Jay Osmond. Also present were Town Manager (TM) Maria Broadbent, Clerk Kerstin Harper, Treasurer Michelle Rodriguez, Chief Kenneth Antolik, Detective Daniel Unger, Public Works Director Kenneth Hall, Code Compliance Director Hollyce Goodwin, BHVFD Representative Matt Huddle and citizens.

1. Approval of Agenda

Two ceremonial items have been added to the agenda. CM Dewey moved and MPT Papanikolas seconded to approve the agenda, as amended. The motion passed 5 to 0.

2. Ceremonial Items

CI-8 Elizabeth Seton 60th Anniversary Celebration: Mayor Isler welcomed Elizabeth Seton's Marketing Strategist Alyssa Doherty. He then read a proclamation to commemorate the 60th anniversary of Elizabeth Seton High School. Ms. Doherty thanked the Council and extended an open invitation to visit the all-girls Catholic high school.

CI-9 Seniors' Appreciation Day: Mayor Isler said the Senior's Club will celebrate Seniors' Appreciation Day with a Luau next Wednesday. The Town Council is invited and plans to read a proclamation appreciating seniors. CM Dewey said Seniors contribute a lot of their time to make the community better and the Council is glad to show its appreciation. CM Osmond said it is fitting to recognize the contributions of seniors to the Town's civic life in this fashion. CM Osmond moved and CM Dewey seconded to approve the reading of the proclamation. The motion passed 5 to 0.

CI-10 Signing Vision Zero PGC Safety Pledge: Public Information Aide Tiffany Minor explained that Vision Zero is an initiative of the Prince George's County Department of Public Works & Transportation (DPW&T) and County Executive Angela Alsobrooks to end traffic fatalities by 2030 through public education, engineering, emergency response and enforcement. The campaign recognizes that road safety is a shared responsibility and invites all to sign the safety pledge. The Council and many who were present signed the pledge.

3. Public Hearing

Ordinance 179 Comprehensive Fee & Fine Schedule: TM Broadbent said that this Ordinance combines all fee and fine schedules attached to or embedded in various ordinances into one document, which will be reviewed annually as part of the budget process. This will require holding a public hearing prior to adopting the schedule for the upcoming fiscal year. Fees are intended to cover the cost of a service provided. Fines also help cover costs and act as a deterrent to violations of Town code.

Mayor Isler opened the hearing at 7:18 p.m. There were no comments. Mayor Isler closed the hearing.

4. Approval of Minutes

CM Dewey moved and CM Sweep seconded to approve the July Town meeting minutes. The motion passed 4 - 0 - 1, with Mayor Isler abstaining.

5. Mayor's Report

Mayor Isler congratulated the Police Department on a great National Night Out and thanked all those who helped make it a success. The Council welcomes any comments and ideas to make events better. Mayor Isler reminded residents that the 'backpack project' is still ongoing and invited residents to donate school supplies for students in need. Summer vacation is almost over, so residents should be on the lookout for school buses and students once school starts.

6. Department Reports

Administration: MPT Papanikolas said that much of the Council's work in the last year has been administrative in nature, of which the Comprehensive Fee & Fine Schedule Ordinance is a good example.

Treasurer's Report: Treasurer Rodriguez gave the Treasurer's report for July. Fiscal Year 2019 is closed. All departmental expenses were kept within their assigned budget. Public Safety Taxing District revenues came in \$13,400 below budget. Receipts for FY 2020 include a \$8,435 reimbursement from WSSC for construction of bus pads as part of last year's road repairs; payments from 75% of businesses for renewal of their business licenses; and the last disbursement from Greenbelt Station Developers. The Greenbelt Station reserve fund may be moved to Old Line Bank into a higher interest-bearing account as part of a planned overhaul of the Town's investment policy. A payment of \$33,000 was made to LGIT for general liability insurance. The FY 2019 audit is around the corner and Treasurer Rodriguez is looking forward to it.

Town Manager's Report: TM Broadbent looked back on her first year as Town Manager of Berwyn Heights. She said all can be proud of what has been accomplished. This includes implementation of a paper trail to track expenditures and other activities. She is grateful for new friendships and is impressed by the level of civic participation in Town affairs. She is looking forward to another productive next year. Mayor Isler thanked TM Broadbent for her hard work assisting the Council and the residents in improving the Town.

Code Compliance: CM Osmond reported that the Code Department is still looking for someone to fill a full-time code officer position.

Code Director Goodwin reported last month the focus was on compliance with the Rental Housing Ordinance, the Clean Lot Ordinance and the Urban Forest Ordinance. Public Works performed two abatements on 56th Avenue and 5900 Pontiac Street. The latter property has been abandoned and is being monitored. The Code Department has also been monitoring a litter problem associated with the dumpster of the 7Eleven on Greenbelt Road. 7Eleven management has been responsive in trying to get this problem under control.

Further, the Code Department has begun to issue business licenses. Approximately 110 business license applications were sent out and some 70 have been submitted. The licensing process has been slow because many applications have missing information and require follow-up. TM Broadbent added that the licensing process has changed somewhat. Applicants are now required to provide emergency contact information so police can reach them when needed. Director Goodwin continued that several homeowners were notified about dead and dying trees on their property because they pose a hazard to

people, property and utility lines. Several homeowners have complied with removals or have contacted the Department with inquiries.

The McDonald's Restaurant has now been completely demolished and will be rebuilt from the ground up. The Code Department has monitored the renovation to ensure that they have all permits and comply with pest extermination requirements. Lastly, all homeowners are reminded that a building permit from the Town is required whenever a Prince George's County building permit has been issued. The Code Department is happy to answer any questions and can be reached at 301-513-9331 or at code@berwynheightsmd.gov.

Park, Recreation, Education & Civic Affairs: CM Dewey announced that Del. Washington will host a backpack and back-to school fair in Landover this Saturday. The Walkable, Bikeable Berwyn Heights Task Force (WBBHTF) is looking for a couple more members. Two Berwyn Heights high school students, Teresa Tinta and Ayotide Bello, were awarded scholarships by Del. Anne Healey for their strong academic performance and community service. Mayor Isler noted that Staples will also hold a back-to-school block party this weekend.

Public Works: CM Sweep said he enjoyed National Night Out and thanked the Public Works crew for setting up and breaking down the event. He hopes they were done before the storm started.

Public Works Director Hall announced the street sweeper will be in Town the week of September 9 and requested residents to park cars off the street. In the coming weeks, Public Works will repaint the Town offices and deliver new recycling Toters to residents on a street by street basis. The Toters are in production and should be received in mid-September. Residents are reminded to keep all types of plastic bags out of their recycling bins and not to place recyclables into plastic bags for pickup.

Berwyn Heights Volunteer Fire Department: Matthew Huddle gave the report for the BHVFD. Progress has been made on renovating the truck bays. On August 2nd, Company 14 responded to a house fire. They rescued a person trapped inside and then quickly put out the fire. School buses are already out practicing their routes. Residents are reminded to keep an eye out for them. Mr. Huddle concluded with a run summary of their apparatus.

CM Dewey said that in the house fire some of the family's pets did not make it out alive. She asked if 1) BHVFD has information about where one can get stickers saying, "Pets in my House," and 2) if the BHVFD has any advice about keeping pets safe. Mr. Huddle said he will look into the pet stickers and that smoke detectors and general fire safety preparedness is the best way to keep pets safe.

Police Department: Chief Antolik said that he will ask Officer Rufino to look into getting the pet stickers. Detective Unger gave the report. He thanked Cpl. Krouse and Clerk Muralles for leading the preparations for National Night Out, as well as all the interns, public safety aides and volunteers who helped out. National Night Out turned out well and the Police were able to raise \$270 for the family that experienced the house fire. Next Wednesday, the Police will participate in the Seniors' Appreciation Lunch. All are reminded to drive carefully when school is back in session. The police will have high-visibility patrols in place.

Detective Unger further reported the incidents for July. There were 7 Part I offenses, slightly lower than the 5-year average of 7.4, and 37 offenses year to date, as opposed to the 5-year average of 34.8. The Police also made 4 arrests, issued 169 State and municipal infractions and 130 speed camera tickets.

Leslie Wolfinger, Ruatan Street, commented that some school bus drivers go above the speed limit and don't always stop or yield at intersections. She asked how the police can curb unsafe driving by school bus drivers. Detective Unger replied that the Police will stop and cite school bus drivers like any other drivers who violate traffic rules. Ms. Wolfinger should report any traffic violations of particular bus drivers to BHPD to handle.

Mayor Isler added that the PGCPD Transportation Department also wants to know about unsafe driving and asks parents to report those buses by forwarding their bus number to them. He also asked if BHPD could inform residents about traffic rules regarding stopped school buses when they have the stop sign out and any fines for violating those rules. Detective Unger said he will look into it.

7. Committee Reports

Education Advisory Committee: CM Dewey said the BHEAC will hold a special meeting with School Board Representative Joshua Thomas next Monday at 7:00 p.m. All are invited. The regular monthly meeting will be held on August 26 at 7 p.m. The Committee would like to have a broad range of residents participate in their meetings, not only parents with children current in PG County public schools.

Green Team: CM Dewey said the Town cleanup is this Saturday at 10 am, assembling at the Town Center. The Green Team is always grateful for those who come out to help clean up the Town. Supplies are provided. Youths under age 16 must be accompanied by an adult; and those between 16-18 must have a parental permission note.

Historical Committee: Clerk Harper reported that the BHHC is not meeting in August. Its next meeting will be on Wednesday, September 25. The Committee will hold its annual election of officers.

Neighborhood Watch/Emergency Preparedness: There was no report.

Recreation Council: Recreation Council Representative Angela Wolfinger gave the report. She announced an upcoming concert with the Berwyn Heights All Stars on August 29 and the Ice Cream Social on September 19. She noted an event for pets is planned for October. CM Dewey added that the pet fair will take place on October 5 starting at 10:00 a.m. and include a vaccination and microchipping clinic, as well as information about pet waste and other fun activities. The event will also include adoptable animals.

8. Unfinished Business

ORD 179 – 2nd Reading & Adoption of Comprehensive Fee & Fine Schedule: Clerk Harper read a summary of the Ordinance. TM Broadbent noted that the packet is missing the companion Resolution 13-2019 adopting the Fee & Fine Schedule. She recommends adopting the Ordinance and tabling the Resolution both of which have been discussed at previous meetings.

CM Dewey commented that no fee and fine amounts have been changed in creating the comprehensive fee and fine schedule. CM Osmond moved to adopt the Ordinance as read. MPT Papanikolas seconded. The motion passed 5 to 0.

MPT Papanikolas moved to table Resolution 13-2019 to the September Town meeting. CM Sweep seconded. The motion passed 5 to 0.

9. New Business

Variance 41-19 5705 Berwyn Road: Mayor Isler said this variance was discussed with the homeowner Alex Waterhouse at a previous worksession. The homeowner is not present tonight. TM Broadbent explained that the variance is for approval of the location of an existing garage. As the garage is being connected to the main dwelling with an addition, the variance comes into play a second time. This corner lot has an odd shape and there is no way for the homeowner to move the garage to comply with setback requirements. The homeowner has worked with staff to revise his plans so that no variance for exceeding the maximum lot coverage is needed. Staff recommends approval of the variance.

CM Sweep sought clarification that the reason the variance is needed is the building of a connecting structure between the garage and the dwelling. TM Broadbent confirmed this. CM Sweep moved to recommend approval of the variance to the Prince George's County Board of Zoning Appeals. CM Osmond seconded. The motion passed 5 to 0.

Variance 66-19 8802 Edmonston Road: Mayor Isler welcomed Mr. and Mrs. Cardenas, the owners of 8802 Edmonston Road. TM Broadbent explained that Mr. Cardenas owns a double lot. The dwelling sits on lot 11 and the driveway on lot 12, block 43. Mr. Cardenas wants to place a new driveway on lot 11 so that he can sell lot 12. The proposed new driveway requires a variance because it would be located in front of the dwelling. Staff recommends approval, with the conditions that the parking pad be no larger than the proposed 12' x 30' and that a barrier be built at the end of the new driveway to prevent someone from accidentally driving beyond the parking pad and into the house.

Mrs. Cardenas asked whether they are required to have a driveway or could dispense with it and park on the street. They would prefer not to spend the money for a new driveway if possible. TM Broadbent replied that is a question for the County to answer. She recommends approving the variance as is so that they can build a driveway if it is required. Town staff can help find out if a driveway is required.

MPT Papanikolas moved, and CM Sweep seconded to recommend approval of variance 66-19 with the above conditions to the Board of Zoning Appeals. The motion passed 5 to 0.

ORD 180 – 1st Reading & Introduction of Homeowners' Tax Credit Program: Clerk Harper read the Ordinance. TM Broadbent explained that this Ordinance allows a tax credit of 10% against the Berwyn Heights real property tax. It is based on the State of Maryland's homeowners tax credit program and uses the State's eligibility criteria. Thus, a resident who applies for the Town's tax credit would have to show proof that he or she has already been approved for the State's tax credit, removing the need for Town staff to evaluate an application. The amount of money dedicated to the program would be determined ahead of time based on the Town's available resources.

CM Dewey moved to introduce the Ordinance; CM Osmond seconded. MPT Papanikolas said this program is intended to help people with low and fixed incomes, who are at risk of being priced out of their homes, stay in their homes. This program would return to them 10% of the real property taxes they have paid to the Town.

CM Dewey said the Berwyn Heights program differs from the State's in that homeowners cannot have any outstanding code issues to be eligible. Further, the application deadline of November 1 by necessity is later than the State's of September 1. She would like to propose a later deadline to ensure that applicants have received notice from the State as to whether they are eligible by the time they apply for the Berwyn Heights tax credit. There ensued discussion as to why the proposed change would be beneficial and to determine a submission deadline of December 1.

CM Dewey moved to amend Section E of Ordinance 180 to change the application deadline to December 1. CM Sweep seconded. The motion to amend the Ordinance was approved 5 to 0.

Resolution 14-2019 Renewal of the Seniors' Club MOU: Clerk Harper read the Resolution. Mayor Isler said this Resolution renews an agreement, which allows the Seniors' Club to use and permit the use of the first floor of the Town Center for Club activities and was discussed at a previous worksession. He asked the President of the Seniors' Club, Ray Smith, if the Seniors are satisfied with the agreement. Mr. Smith said they have no further comments. CM Osmond moved to adopt the Resolution. CM Sweep seconded. The motion passed 5 to 0.

Resolution 15-2019 Walkable, Bikeable Berwyn Heights Task Force: MPT Papanikolas moved to postpone the item to the end of the agenda because the document was missing from the agenda packet. CM Dewey seconded. The motion passed 5 to 0.

Resolution 16-2019 Purchase of Refuse Vehicle: MPT Papanikolas explained that the Council discussed the refuse vehicle purchase at the last worksession. It ends up costing less than budgeted because it will be acquired through Sourcewell, a national purchasing cooperative. Director Hall added that this Leach 29 cubic yard refuse truck will have a slightly larger body but the same size chassis as the Town's current trucks. It will replace the oldest truck in the fleet and should be delivered in 6 to 8 months. Refuse trucks are custom built. CM Sweep moved to approve the purchase of the truck. CM Osmond seconded. The motion passed 5 to 0.

Resolution 17-2019 Purchase of 1-Ton Pickup Truck: MPT Papanikolas explained that this truck, which was also discussed at the last worksession, will be primarily used by the Code Compliance Department. It comes with a snowplow and salt spreader and can be used for clearing snow. Delivery will be around the end of September. CM Dewey moved, and MPT Papanikolas seconded to approve the purchase of the pickup truck. The motion passed 5 to 0.

Resolution 18-2019 Awarding Contract for Road Resurfacing: TM Broadbent explained this contract utilizes the same contractor as for last year's road project, VMP Construction Company, Inc. The project will include both paving and concrete work as needed, such as sidewalks, curbs and gutters where needed at the discretion of the Public Works Director. The selection of roads to be paved was based on data provided by Roadbotics, Inc., a pavement assessment consultant, as well as project plans of WSSC and other utilities. It includes most of the sections of road specified on a list provided in the FY 2020 budget. The project will start in early fall.

TM Broadbent requested that the Resolution be amended to increase the amount allocated for the project from \$224,800 to \$231,135 to add funds from a WSSC payment of \$6,345 which the Town received recently. A portion of the WSSC payment will go towards another project.

CM Dewey moved to amend the Resolution as proposed. CM Sweep seconded. CM Sweep asked for a clarification. TM Broadbent, CM Dewey and MPT Papanikolas explained that the WSSC check reimburses the Town for roadwork the Town completed on behalf of WSSC as part of last year's road project. The WSSC check arrived after the Resolution was discussed at the last worksession; otherwise it would have been reflected in the Resolution that is before the Council tonight. Two-thousand-one-hundred dollars of the WSSC payment will go towards the design of an unrelated stormwater project. The money added to this year's road project might be used for repaving the Town Center parking lot, or wherever else it is needed. The motion to approve the Resolution as amended passed 5 to 0.

Resolution 15-2019 Walkable, Bikeable Berwyn Heights Task Force (discussed out of order): CM Dewey explained that the Council was approached by a resident who wanted to assemble a group of residents to develop a plan to make Berwyn Heights more walkable and bikeable. This includes consideration of the impending redevelopment of Beltway Plaza and other projects that may affect the traffic patterns in the Town. The Council agreed to establish a task force based on the model of the Citizens Commission on the Quality of Life, which would be accomplished by approving tonight's Resolution. At the next Town meeting, the residents interested in serving on the task force, some of which are here tonight, will be appointed. She has contacted Parkdale High School to recruit a student to have that demographic represented on the task force as well.

Drew Carlisle, 57th Avenue, said he started to think about this project when the Council held a public hearing on how to ease congestion at the intersections of 58th and 60th Avenue and Greenbelt Road this spring. He thought it would be beneficial to broaden the scope and think about how everybody moves around the Town, including pedestrians, bicyclists and cars. He would like the group to be representative of the entire Town and welcomes residents with all opinions to join. He asked how anyone who might be watching tonight can sign up.

CM Dewey said those who want to join should email her at adewey@berwynheightsmd.gov. She will help set up the first meeting and then step back to let the Task Force structure the remaining meetings. She hopes the Task Force will be able to give input on a citizen survey the Council plans to conduct within the coming months. She thanked Mr. Carlisle for coming up with the idea and those who have already volunteered to serve. CM Dewey moved, and MPT Papanikolas seconded to approve the Resolution. The motion passed 5 to 0.

10. Citizen Discussion

Phil Ventura, 57th Avenue, asked what the topic of discussion at the executive session prior to this meeting was. Mayor Isler informed that it was a personnel matter but that no details can be disclosed.

Ray Smith, Seminole Place, on behalf of the Seniors' Club thanked the Council and staff for their support in renewing the agreement for the use of the Senior Center. In a separate matter, he asked for an update on plans for easing congestion at the intersections of 58th and 60th Avenue and Greenbelt Road. TM Broadbent said that staff needs more direction from the Council about what measures to pursue. At the hearing many different options and ideas were discussed without any particular one being endorsed by the Council.

The meeting was adjourned at 9:06 p.m.

Signed: *Kerstin Harper*, Town Clerk